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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/803,038 | 03/18/2004 | Tomohiro Mori | 119134 | 5624 |

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

| EXAMINER | |
|---|---|
| RENDON, CHRISTIAN E | |
| ART UNIT | PAPER NUMBER |
| 3714 | |
| MAIL DATE | DELIVERY MODE |
| 06/22/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/803,038 | MORI ET AL. | |
| | Examiner | Art Unit | |
| | CHRISTIAN E. RENDÓN | 3714 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to the amendment filed 4/16/09 in which applicant has amended claims 1, 8, 15-16; responded to the claim rejections. Claims 1-16 & 19-24 are still pending.

### *Examiner's Position*

Animation: the technique of filming a sequence of drawings or positions of models to create an illusion of movement (Compact Oxford Dictionary, 3rd edition, Oxford University Press, July 2005).

### *Claim Rejections - 35 USC § 103*

**Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Star Trek: TNG – "We'll Always Have Paris" (http://www.youtube.com/watch?v=tP242qOqFLw) in view of Dichter (US 6,847,364 B1).**

1. This office action relies on an episode of Star Trek: The Next Generation (TNG) called "We'll Always Have Paris". The provided link discloses a scene (9:00 till 9:55) depicting Commander Data attempting to collapse a dimensional window called the "Manheim Effect" (picture 0). A visual effect is created when Data places the antimatter in the distortion (picture 1) consisting of the appearance of three individual Data (picture 2) each from a different timelines. The occurrence of multiple Data creates a problem since the distortion will only end when the antimatter is placed at the "right" time. The middle or present timeline Data rationalizes itself as being in the correct timeline; thus each Data moves towards the distortion (picture 3) with each one of them disappearing as they comes in contact with one another (picture 4-5). The prior art's special effect involving multiple Data discloses the following limitations:

- **"start a motion of a first object "** Data walking towards the distortion,

- **"displaying a plurality of effect objects at predetermined positional intervals at substantially the same time"** the appearance of three individual Data in three different physical spots in the room
- **"plurality of effect object provided at the side that the first object is going to move from a location of the first object"** present timeline Data is the first object and future timeline Data is an effect object standing in the location present timeline Data is going to move towards from an initial location (picture 2),
- **"immediately before the first object starts moving each of the plurality of effect objects showing a respective future sequential motion of the first object"** future timeline Data represents the future sequential motion before present timeline Data starts moving (picture 3),
- **"the plurality of effect objects sequentially disappear in proximate order from the location of the first object moving as the first object moves into the position corresponding the respective effect object"** as each Data touches or begins to occupies the same physical space they begin to merge together (picture 4-5),

From the perspective of present timeline Data, there is only one future version of itself and from the perspective of past timeline Data there are two future versions of itself. Thus the art teaches a **plurality of effect objects** representing future motion. In regards to the present timeline version, the Examiner considers the inclusion of more future effect objects as an alteration of the reference that produces predictable results.

2. Regarding claims 1, 7-8, 12 and 15-16, as stated above the episode from TNG teaches the visual effect. However the art remains silent towards animation for a **three dimensional** (3D) game. Ditchter discloses a simple and cost-effective method of creating 3D motion illusion in a graphic system (Ditchter: col. 9, lines 2-8) such as a **video game** (Ditchter: col. 2, line 39) platform. The disclosed the **animation** of the illusion consists of a multiple 3D objects (Ditchter: fig. 3) depicted as

moving in a direction (Ditchter: col. 3, lines 52-53). Each object is varies in several attributes, such as, transparency, color, intensity, reflectivity, fill, texture, size, position and/or depth (Dichter: abstract). In other words, the art discloses how to create a **3D animation of a motion illusion** of the animator's choosing. Therefore Dichter provides the knowledge one of ordinary skill requires for creating any possible 3D motion illusion even the one taught by the TNG episode. The Examiner considers the combination of both prior art as obvious to an ordinary artisan since the combination of known elements produces predictable results. In addition, the Examiner considers Ditchter teaching evaluating or **judging to** perform steps since the art teaches the objects and steps required to perform the animation (Ditchter: col. 5, lines 62-67; col. 6, lines 1-32).

3. Regarding claims 2 and 9, the art teaches **making the plurality of effect objects sequentially disappear** (picture 4-5). In addition, the past timeline Data or **rear side** effect object is taught to **move in the direction from the location of the first object** when past timeline Data moves from the middle of the room to the distortion window (picture 5).

4. Regarding claims 3-4 and 10-11, Ditchter teaches **changing color information of the plurality of effect objects in accordance with the motion** (Dichter: abstract). In other words, the disclosed "blue blur" disappears sequentially as time progresses through a decrease in the object's transparency and color (Dichter: col. 6, lines 52-61).

5. Regarding claims 5-6, Ditchter disclose calculating a **plurality of locations** where the first object will pass (Dichter: fig. 4; 61, 67-69) that will allow the image to be seen from different viewpoints compared to the **predetermined viewpoint**.

6. Regarding claims 13-14 and 19-20, Ditchter discloses saving the software on a computer readable medium (Ditchter: col. 3, line 18) or **information storage medium**.

7. Regarding claims 21-24, the distortion window **attacks** Commander Data or **first object** (picture 1) causing the creation of a **plurality of effect objects** (future, present, past) **behind** him or **attacked object**.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Examiner's Note***

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims is patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

***Conclusion***

*Other Quality Art: Pearce et al. US 6,211,882 B1*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dimtry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

/CHRISTIAN E RENDÓN/
Examiner Art Unit 3714
CER